REMARKS/ARGUMENTS

Claims 139-156 are pending in this patent application. Claims 145, 149, and 153 have been amended with respect formatting issues to even more clearly describe the claimed inventions.

Rejections under 35 U.S.C. §102

Claims 139-156 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,645,985 ("the Froehler Patent"). The Office Action, however, notes that this rejection will become moot upon Applicants' perfection of their claim of priority. Thus, in view of the Renewed Petition for priority filed on June 7, 2004 (copy enclosed), Applicants respectfully request that the instant rejection be reconsidered and withdrawn.

Claims 139 and 140 also stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by formula (I) in WO 88/10264 ("the Haralambidis reference") and certain related disclosure. The Haralambidis reference, however, does not disclose any claimed invention. One point of distinction is that the nucleosidic base shown in formula (I) of the Haralambidis reference is significantly different from the base that is recited in claim 139. The former, for example, includes a carbonyl group at its 4-position, whereas the latter includes a C-N-Pr group. In view of this deficiency and others in the Haralambidis disclosure, the rejection for alleged anticipation should be withdrawn.

Rejection under 35 U.S.C. §103

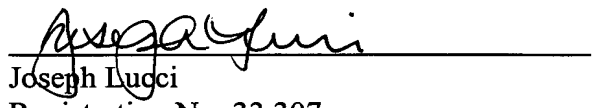
Claims 139-156 stand rejected under 35 U.S.C. §103(a) allegedly as being unpatentable over the Haralambidis reference as applied to claims 129 and 130 and further in view of U.S. Patent No. 5,079,352 ("the Gelfand Patent"). As a preliminary matter, Applicants note that claims 129 and 130 are not pending in this patent application, nor did the outstanding Office Action apply the Haralambidis reference to them. Thus, Applicants assume that the Examiner intended that the instant rejection refer to the above-noted rejection of claims 139 and 140 for alleged anticipation, rather than to a rejection of claims 129 and 130.

There is no reason to believe that the Haralambidis reference or the Gelfand patent would have led those of ordinary skill to any claimed invention. For example, neither reference discloses the structures recited in the claims, and the Office Action does so much as suggest any modification of the references' teachings that would produce a recited structure. As noted above, the base recited in claims 139-144 differs from that disclosed in the Haralambidis reference. There are also differences with respect to the base recited in claims 145-156; for example, the base disclosed in the Haralambidis reference includes a 5-aminoalkylalkynyl group that is outside the scope of Applicants' definition of R^2. The Gelfand patent does not remedy these deficiencies, nor does the Office Action allege that it does. Accordingly, the rejection for alleged obviousness is improper and should be withdrawn *In re Payne,* 203 U.S.P.Q. 245, 255 (C.C.P.A. 1979) (references relied upon to support rejection under § 103 must place the claimed invention in the possession of the public); *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974) (all

limitations set forth in a patent claim must be taught or suggested in the prior art to establish a prima facie case of obviousness).

In view of the foregoing, Applicants respectfully submit that the claims are in condition for allowance. An early notice of the same is earnestly solicited.

Date: June 17, 2004



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